

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

TERRY GOODEN **PLAINTIFF**

v. **CIVIL ACTION NO. 5:16-cv-92-DCB-MTP**

SHERIFF TRAVIS PATTON **DEFENDANT**

consolidated with

TERRY GOODEN **PLAINTIFF**

v. **CIVIL ACTION NO. 5:16-cv-93-DBC-MTP**

SHERIFF TRAVIS PATTON **DEFENDANT**

Report and Recommendations

THIS MATTER is before the Court on Plaintiff's Motion [24] to Dismiss and Amended Motion [26] to Dismiss filed in *Gooden v Patton*, 5:16-cv-92-DCB-MTP. This Court previously consolidated the two above styled cases because they contained many of the same allegations. *See* Amended Order [22]. Following consolidation of the cases, the undersigned set the cases for an Omnibus Hearing on July 25, 2017, at 10:00 a.m. *See* Order [23]. The Plaintiff then filed his motions to dismiss.

In the motions, Plaintiff voluntary requests that both of his cases be dismissed before the omnibus hearing as he does not want to represent himself and he is suffering from various ailments. *See* Motions [24] and [26]. The Defendant does not oppose the Plaintiff's request. *See* Response [25]. Accordingly, the undersigned recommends that the motions be granted and that the cases *Gooden v. Patton*, 5:16-cv-92-DCB-MTP and *Gooden v. Patton*, 5:16-cv-93-DCB-MTP be dismissed without prejudice.

RIGHT TO OBJECT

In accordance with the rules and 28 U.S.C. § 636(b)(1), any party within fourteen days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the judge, the magistrate judge and the opposing party. The District Judge at the time may accept, reject or modify in whole or part, the recommendations of the Magistrate Judge, or may receive further evidence or recommit the matter to this Court with instructions. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation within fourteen days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court to which the party has not objected. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

THIS, the 26th day of June, 2017.

s/ Michael T. Parker

United States Magistrate Judge